

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200300049-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gregg S. Schmidtk, et al.

Confirmation No.: 9168

Application No.: 10/677,709

Examiner: Sarah L. Puroi

Filing Date: October 2, 2003

Group Art Unit: 3637

Title: Apparatus and Method for Mounting a Device to a Rack System

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on April 29, 2008.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$520.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 520. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Gregg S. Schmidtk, et al.

By: /Philip S. Lyren #40,709/

Philip S. Lyren

Attorney/Agent for Applicant(s)

Reg No. : 40,709

Date : June 30, 2008

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I hereby certify that this document is being
transmitted to the Patent and Trademark Office
via electronic filing.

Date of Transmission: 16 January 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gregg S. Schmidtk, et al.

Examiner: Sarah L. Purol

Serial No.: 10/677,709

Group Art Unit: 3637

Filed: October 2, 2003

Docket No.: 200300049-1

Title: Apparatus and Method for Mounting a Device to a Rack System

Response to Notice of Non-Compliance

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This letter is being filed in response to the Notice of Non-Compliance mailed January 9, 2009.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

Remarks

The Notice of Non-Compliance mailed January 9, 2009 indicates the following: "The appeal brief filed on 17 October 2008 is NOT acceptable for the reason(s) indicated below..." (the indicated reason being "the brief and/or brief fee is untimely").

On January 16, 2009, Appellants' attorney (Philip S. Lyren) telephoned Primary Examiner Sarah Purol to discuss this notice. Examiner Purol instructed attorney Lyren that the US PTO mistakenly mailed the notice and that no such notice should have been mailed. Examiner Purol instructed attorney Lyren to re-file the appeal brief.

This appeal brief is being re-filed on January 16, 2009 in accordance with instructions from Examiner Purol.

Respectfully submitted,

/Philip S. Lyren #40,709/

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